

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

RAFAEL TORMES ORTIZ,  
Plaintiff

vs.

CIVIL NO. 97-1618 (JP)

UNITED STATES OF AMERICA,  
Defendant

**ORDER**

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U.S. DISTRICT COURT  
OLD SAN JUAN, PR.

MOTION	RULING
<b>Date Filed:</b> June 16, 2000 <b>Docket #</b> 39 <input checked="" type="checkbox"/> <b>Plffs</b> <input type="checkbox"/> <b>Defts</b> <input type="checkbox"/> <b>Other</b>  <b>Title:</b> Notice of Appeal	<b>NOTED IN PART, DENIED IN PART.</b> The Court <b>NOTES</b> that Plaintiff seeks to file an interlocutory appeal of the Court's denial of appointment of counsel and the unavailability of certain documents. In order for the Clerk to send the file to the U.S. Court of Appeals for the First Circuit, however, Plaintiff must file his appeal with that Court, not simply file a notice of his intention to appeal with this Court. Further, the Court hereby <b>DENIES</b> Plaintiff's motion to stay the instant case, as it believes that Plaintiff has no legal grounds for filing an interlocutory appeal.
<b>Date Filed:</b> September 1, 2000 <b>Docket #</b> 40 <input checked="" type="checkbox"/> <b>Plffs</b> <input type="checkbox"/> <b>Defts</b> <input type="checkbox"/> <b>Other</b>  <b>Title:</b> [letter dated August 20, 2000]	<b>NOTED.</b> The Court <b>NOTES</b> that Plaintiff is having difficulties corresponding with Abdil Curet-Casellas at the Federal Corrections Institution in Jesup, Georgia for alleged lack of pre-approval of such correspondence, despite evidence that correspondence between the two inmates had been pre-approved. Nonetheless, the Court also <b>NOTES</b> that to the extent that Plaintiff indicates his correspondence with Curet-Casellas is necessary to prepare a Reply to the United States of America's Opposition to Plaintiff's habeas motion under § 2255, such Reply was ordered to be filed by June 30, 2000, and thus any Reply filed at this juncture would be rejected as untimely unless Plaintiff shows extraordinary circumstances justifying an extremely late filing.

Date: 9/8/00

  
**JAIME PIERAS, JR.**  
 U.S. Senior District Judge

Rec'd:

EOD:

By: 

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after: Appeals